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| EXAMINER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/788,759 | OXLEY ET AL. |
| | Examiner | Art Unit | |
| | Janelle N. Young | 2618 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on *27 February 2004*.

2a) ☐ This action is **FINAL**.    2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) *1-51* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-51* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *27 February 2004* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Objections*

1.      Claim 4 is objected to because of the following informalities:  Claim 4 contains

omitted elements and/or a typo. (Which reads: The method for dynamic group call as

claimed in claim 1, wherein the step of adding by the first user includes a step of

**transmitting the by the first user** the second user to the network.) The claim does not

discuss what is being transmitting by the first user. Appropriate correction is required.

Claim 5 is objected to because of the following informalities:  Claim 5 is a

dependent of claim 4 (see objection above). (Which reads: The method for dynamic

group call as claimed in claim 4, wherein there is further included a step of storing the

member in a database corresponding to the dynamic group call.)  Appropriate correction

is required.

Claim 10 is objected to because of the following informalities:  Claim 10 contains

omitted elements and/or a typo. (Which reads: The method for dynamic group call as

claimed in claim 7, wherein the step of adding by the first user includes a step of

**transmitting the by the first user** the selected second user to the network. ) The claim

does not discuss what is being transmitting by the first user. Appropriate correction is

required.

Claim 11 is objected to because of the following informalities:  Claim 11 is a

dependent of claim 10 (see objection above). (Which reads: The method for dynamic

group call as claimed in claim 10, wherein there is further included a step of storing the

group of second users in a database.) Appropriate correction is required.


### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.      Claims 1-17 and 44-51are rejected under 35 U.S.C. 102(e) as being anticipated

by Toyryla et al. (US Patent 6999783).

As for claim 1, Toyryla et al. teaches a method for dynamic group call from a first

user to a group of second users via a network including a server (Abstract of Toyryla et

al.), the method for dynamic group call comprising the steps of:

dynamically selecting by the first user without the network a member for

inclusion in the group of second users (Abstract; Col. 3, lines 3-5 of Toyryla et

al.);

determining whether a number of selected second users is within a

predetermined limit (Col. 7, lines 29-30 and Col. 11, lines 13-33 of Toyryla et al.);

and

if the number of selected second users is within the predetermined limit,

adding by the first user a second user to a list of second users (Abstract and Col.

4, lines 4-44 of Toyryla et al.).

As for claim 2, Toyryla et al. teaches a method for dynamic group call from a first

user to a group of second users via a network including a server, wherein there is

further included a step of determining by the first user that the member is to be added to

the group of second users (Col. 4, lines 4-44 of Toyryla et al.).

As for claim 3, Toyryla et al. teaches a method for dynamic group call from a first

user to a group of second users via a network including a server, wherein if the number

of selected second users is not within the predetermined limit, there is further included a

step of providing a message to the first user indicating a fault (Col. 3, line 54-Col. 4, line

3 of Toyryla et al.).

As for claim 4, Toyryla et al. teaches a method for dynamic group call from a first

user to a group of second users via a network including a server, wherein the step of

adding by the first user includes a step of transmitting the group definition

message/information; which reads on claimed group/member ID (identification), by the

first user the second user to the network **(Note**: The Examiner has interpreted that the

group/member ID (identification) is being transmitted**)** (Col. 2, line 31-Col. 3, line 53 of

Toyryla et al.).

As for claim 5, Toyryla et al. teaches a method for dynamic group call from a first

user to a group of second users via a network including a server, wherein there is

further included a step of storing the member in a database corresponding to the

dynamic group call(Col. 2, line 31-Col. 3, line 53 of Toyryla et al.).

0.As for claim 6, Toyryla et al. teaches a method for dynamic group call from a

first user to a group of second users via a network including a server, wherein there is

further included a step of creating the network a group identity (Col. 5, lines 8-34 in

respect to Col. 5, lines 45-51 and Col. 9, lines 16-22 of Toyryla et al.).

As for claim 7, Toyryla et al. teaches a method for dynamic group call from a first

user to a group of second users via a network including a server, the method for

dynamic group call comprising the steps of:

dynamically selecting by the first user without the network or the server

the group of second users (Abstract; Col. 3, lines 3-5 of Toyryla et al.);

determining whether a number of selected second users is within a

predetermined limit (Col. 7, lines 29-30 and Col. 11, lines 13-33 of Toyryla et al.);

and

if the number of selected second users is within the predetermined limit,

adding by the first user a second user to a list of second users (Abstract and Col.

4, lines 4-44 of Toyryla et al.).

As for claim 8, Toyryla et al. teaches a method for dynamic group call from a first

user to a group of second users via a network including a server, wherein there is

further included a step of determining by the first user that the member is to be added to

the group of second users (Col. 4, lines 4-44 of Toyryla et al.).

As for claim 9, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein if the number of selected second users is not within the predetermined limit, there is further included a step of providing a message to the first user indicating a fault (Col. 3, line 54-Col. 4, line 3 of Toyryla et al.).

As for claim 10, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein the step of adding by the first user includes a step of transmitting the group definition message; which reads on claimed group/member ID (identification), by the first user the selected second user to the network **(Note**: The Examiner has interpreted that the group/member ID (identification) is being transmitted**)** (Col. 2, line 31-Col. 3, line 53 of Toyryla et al.).

As for claim 11, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included a step of storing the group of second users in a database (Col. 5, lines 8-34 in respect to Col. 2, line 31-Col. 3, line 53 of Toyryla et al.).

As for claim 12, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included a step of creating the network a group identity (Col. 5, lines 45-51 and Col. 9, lines 16-22 of Toyryla et al.).

As for claim 13, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is

further included a step of determining whether a number of users exceeds a

predetermined limit (Col. 7, lines 29-30 and Col. 11, lines 13-33 of Toyryla et al.).

As for claim 14, Toyryla et al. teaches a method for dynamic group call from a

first user to a group of second users via a network including a server, the method for

dynamic group call comprising the steps of:

dynamically sending a list complete message by the first user to the

network (Col. 5, lines 39-45 in respect to Col. 2, lines 59-64 and Col. 3, lines 8-14

of Toyryla et al.);

validating by the network a dynamic group call list associated with the list

complete message (Col. 3, line 54-Col. 4, line 3 and Col. 9, lines 28-35 of Toyryla

et al.); and

if the dynamic group call list is validated, storing a dynamic group call

identity by the first user (Col. 6, line 31-Col. 7, line 15 of Toyryla et al.).

As for claim 15, Toyryla et al. teaches a method for dynamic group call from a

first user to a group of second users via a network including a server, wherein the step

of dynamically sending a list complete message includes the step of sending a list by

the first user to the network of the group of second users (Col. 5, lines 39-45 and Col. 9,

lines 28-35 in respect to Col. 2, lines 59-64 and Col. 3, lines 8-14 of Toyryla et al.).

As for claim 16, Toyryla et al. teaches a method for dynamic group call from a

first user to a group of second users via a network including a server, wherein there is

further included the steps of:

determining by the network that the dynamic group call list is sent by the

first user (Col. 5, lines 39-45 in respect to Col. 2, lines 59-64 and Col. 3, lines 8-

14 of Toyryla et al.); and

if the dynamic group call list is sent by the first user, storing the dynamic

group call list in a database (Col. 6, line 31-Col. 7, line 15 of Toyryla et al.).

As for claim 17, Toyryla et al. teaches a method for dynamic group call from a

first user to a group of second users via a network including a server, wherein there is

further included the steps of:

determining by the network the dynamic group call list is sent by the first

user (Col. 6, line 31-Col. 7, line 15 of Toyryla et al.);

the step of validating by the network including the steps of:

validating the dynamic group call list for the first user and for each

of the second users (Col. 6, line 31-Col. 7, line 26 with respect to Col. 9,

lines 28-35 of Toyryla et al.); and

if the dynamic group call list is invalid, providing a message by the

network to the first user that a failure has occurred (Col. 3, line 54-Col. 4,

line 3 with respect to Col. 9, lines 28-35 and Col. 11, lines 3-34 of Toyryla

et al.).

Regarding claim 44, see explanation as set forth regarding claim 1 (method

claim) because the claimed method for dynamic group call from a first user to a group of

second users via a network including a server, in a first mobile device, would perform

the method steps.

Regarding claim 45, see explanation as set forth regarding claim 2 (method claim) because the claimed method for dynamic group call from a first user to a group of second users via a network including a server, in a first mobile device, would perform the method steps.

Regarding claim 46, see explanation as set forth regarding claim 3 (method claim) because the claimed method for dynamic group call from a first user to a group of second users via a network including a server, in a first mobile device, would perform the method steps.

Regarding claim 47, see explanation as set forth regarding claim 7 (method claim) because the claimed method for dynamic group call from a first user to a group of second users via a network including a server, in a first mobile device, would perform the method steps.

Regarding claim 48, see explanation as set forth regarding claim 8 (method claim) because the claimed method for dynamic group call from a first user to a group of second users via a network including a server, in a first mobile device, would perform the method steps.

Regarding claim 49, see explanation as set forth regarding claim 9 (method claim) because the claimed method for dynamic group call from a first user to a group of second users via a network including a server, in a first mobile device, would perform the method steps.

Regarding claim 50, see explanation as set forth regarding claim 10 (method claim) because the claimed method for dynamic group call from a first user to a group of

second users via a network including a server, in a first mobile device, would perform the method steps.

Regarding claim 51, see explanation as set forth regarding claim 11 (method claim) because the claimed method for dynamic group call from a first user to a group of second users via a network including a server, in a first mobile device, would perform the method steps.

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.      Claims 18-20 & 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyryla et al. (US Patent 6999783) as applied to claim 14 above, and further in view of Raes (US Patent 5625886).

As for claim 18, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included steps of: creating a unique group ID for the dynamic group call list (Col. 8, line 17-Col. 9, line 8 of Toyryla et al.).

What Toyryla et al. does not explicitly teach is dynamic group call slots.

However Raes teaches method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included steps of: determining by the network whether dynamic group call slots are available in a

database; if there are slots available, creating a unique group ID for the dynamic group
call list; and if dynamic group call slots are not available, selecting by the network
previously used dynamic group call slot for the dynamic group call list  (Col. 3, lines 49-
55; Col. 4, lines 35-50; Col. 5, lines 28-55; and Col. 7, lines 7-21 & 48-67 of Raes).

It would have been obvious to one of ordinary skill of the art at the time the
invention was made to incorporate a method for forming a group of communication
terminals out of a plurality of communication terminals through allocating to each of said
terminals of said group a dynamic group address associated with a group, as taught by
Raes, in the dynamic talk group of Toyryla et al., because Toyryla et al. already teaches
talk groups being activate on the network side of the communications system at a given
time (Col. 6, lines 4-27 of Toyryla et al.).

The motivation of this combination would be to create new talk groups and/or
modify group membership more dynamically and, as taught by Toyryla et al. in Col. 2,
lines 8-19, because this would provide a technically simple method for creating and
managing a dynamic group from mobiles. By combining the unique ID with the time
slots this is further restricting access to the dynamic talk group making the talk group
more secure. The incorporation of time slots with a dynamic talk group would making
the talk group easily established in the communications system and make signaling
traffic smaller and more feasible to implement (Col. 2, line 65-Col. 2, line 2 of Raes).

As for claims 19-20, Toyryla et al. teaches a method for dynamic group call from
a first user to a group of second users via a network including a server wherein the step
of selecting by the network the previously used dynamic group call slot includes the step

of selecting a least and/or first used dynamic group call slot (Col. 2, lines 59-65; Col. 6, lines 4-27; and Col. 8, line 17-Col. 9, line 8 of Toyryla et al.).

As for claim 23, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included the steps of:

determining whether the first user sent a dynamic group call list complete message; and if the first user has sent a dynamic group call list complete message, performing the steps of claims 15-19 (Col. 5, lines 39-45 and Col. 9, lines 28-35 in respect to Col. 2, lines 59-64 and Col. 3, lines 8-14 of Toyryla et al.).

As for claims 24-25, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included the steps of:

determining by the network whether the first user has sent a member of the group of second users; if the member is valid, adding the member to the dynamic group call list; and if the member is invalid, there is further included a step of providing an indication of failure to the first user (Col. 6, line 31-Col. 7, line 15 and Col. 8, line 17-Col. 9, line 35 of Toyryla et al.).

4.     Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyryla et al. (US Patent 6999783) as applied to claim 14 above, and further in view of Chandhok et al. (US Patent 2004/0198376).

As for claim 21, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included the steps of: determining by the network whether the first user has requested an dynamic group call; and if the first user has requested a dynamic group call, initiating the group call to each of the group of second users (Col. 6, lines 4-27; Col. 7, lines 16-26; and Col. 11, lines 3-12 of Toyryla et al.).

What Toyryla et al. does not explicitly teach is starting the dynamic group call immediately by the network.

However Chandhok et al. teaches method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included steps of: sending by the first user an indicator to the server through the network to start the dynamic group call immediately; and starting the dynamic group call immediately by the network (Page 4, Para 0035-0038 with respect to Page 1, Para 0007 and Page 4, Para 0039 of Chandhok et al.).

It would have been obvious to one of ordinary skill of the art at the time the invention was made to incorporate a method and apparatus for joining a requester of a desired service to a local group of providers for the desired service allows the requester of the desired service to instantly get in touch with the local group of providers for the desired service, as taught by Chandhok et al., in the dynamic talk group of Toyryla et al., because Toyryla et al. already teaches am indication that is a request to join dynamic talk group and sending group activation message (Col. 6, lines 4-27 and Col. 11, lines 3-12 of Toyryla et al.).

The motivation of this combination would be the effect of the time it would take to create new talk groups and/or modify group membership, as taught by Toyryla et al, because the would make the dynamic talk group functionality less complex, easier and reliable from the user's point of view. The group of service providers is dynamically determined based on the current location vector of the service requester, regardless of the current location of the service requester, and without requiring the service requester to individually contact each provider of the desired service (Abstract and Page 1, Para 0005 of Chandhok et al.). The incorporation of multi-point communication systems with dynamic talk group would allow a user to quickly access or join communication device to a group of service provider in the global communication network (Page 1, Para 0006-0008 of Chandhok et al.).

As for claim 22, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein if the first user has not requested an immediate group dynamic call, the network sends a group identification to the first user (Col. 2, line 31-Col. 4, line 14 of Toyryla et al.).

5.     Claims 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyryla et al. (US Patent 6999783) and further in view of Chandhok et al. (US Patent 2004/0198376).

As for claim 26, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included steps of: dynamically sending by the first user a dynamic group call list

of the group of second users to the server through the network (Col. 5, lines 39-45 in respect to Col. 2, lines 59-64 and Col. 3, lines 8-14 of Toyryla et al.).

What Toyryla et al. does not explicitly teach is starting the dynamic group call immediately by the network.

However Chandhok et al. teaches method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included steps of: sending by the first user an indicator to the server through the network to start the dynamic group call immediately; and starting the dynamic group call immediately by the network (Page 4, Para 0035-0038 with respect to Page 1, Para 0007 and Page 4, Para 0039 of Chandhok et al.).

It would have been obvious to one of ordinary skill of the art at the time the invention was made to incorporate a method and apparatus for joining a requester of a desired service to a local group of providers for the desired service allows the requester of the desired service to instantly get in touch with the local group of providers for the desired service, as taught by Chandhok et al., in the dynamic talk group of Toyryla et al., because Toyryla et al. already teaches am indication that is a request to join dynamic talk group and sending group activation message (Col. 6, lines 4-27 and Col. 11, lines 3-12 of Toyryla et al.).

The motivation of this combination would be the effect of the time it would take to create new talk groups and/or modify group membership, as taught by Toyryla et al, because the would make the dynamic talk group  functionality less complex, easier and reliable from the user's point of view. The group of service providers is dynamically

determined based on the current location vector of the service requester, regardless of the current location of the service requester, and without requiring the service requester to individually contact each provider of the desired service (Abstract and Page 1, Para 0005 of Chandhok et al.). The incorporation of multi-point communication systems with dynamic talk group would allow a user to quickly access or join communication device to a group of service provider in the global communication network (Page 1, Para 0006-0008 of Chandhok et al.).

As for claim 27, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server wherein the step of dynamically sending by the first user includes a step of dynamically sending by the first user a dynamic group call list complete message to the network (Col. 5, lines 39-45 in respect to Col. 2, lines 59-64 and Col. 3, lines 8-14 of Toyryla et al.).

As for claim 28, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included a step of validating by the network the dynamic group call list (Col. 6, line 31-Col. 7, line 15 of Toyryla et al.).

As for claim 29, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein for a dynamic group call list or a dynamic group call list complete message from the first user there is further included a step of selecting a unique dynamic group call identification (Abstract; Col. 4, lines 4-15; Col. 5, line 35-Col. 6, line 3; Col. 8, line 17-Col. 9, line 8 of Toyryla et al.).

As for claims 30-32, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included a step of: selecting by the network a time to live parameter corresponding to the dynamic group call list; receiving the time to live parameter from the first user; and selecting by the network the time to live parameter based on network parameters (Col. 9, line 63-Col. 10, line 29 of Toyryla et al.).

6.      Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyryla et al. (US Patent 6999783) and further in view of Chandhok et al. (US Patent 2004/0198376).

As for claim 33, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server (Col. 5, lines 39-45 in respect to Col. 2, lines 59-64 and Col. 3, lines 8-14).

What Toyryla et al. does not explicitly teach is starting/launch the dynamic group call immediately by the network.

However Chandhok et al. teaches a dynamic group talk that is dynamically sending by the first user a dynamic group call list of the group of second users to the server through the network and sending by the first user an indicator to the server through the network to start the dynamic group call immediately (Page 4, Para 0035-0038 with respect to Page 1, Para 0007 and Page 4, Para 0039 of Chandhok et al.).

It would have been obvious to one of ordinary skill of the art at the time the invention was made to incorporate a method and apparatus for joining a requester of a

desired service to a local group of providers for the desired service allows the requester

of the desired service to instantly get in touch with the local group of providers for the

desired service, as taught by Chandhok et al., in the dynamic talk group of Toyryla et

al., because Toyryla et al. already teaches am indication that is a request to join

dynamic talk group and sending group activation message (Col. 6, lines 4-27 and Col.

11, lines 3-12 of Toyryla et al.).

The motivation of this combination would be the effect of the time it would take to

create new talk groups and/or modify group membership, as taught by Toyryla et al,

because the would make the dynamic talk group  functionality less complex, easier and

reliable from the user's point of view. The group of service providers is dynamically

determined based on the current location vector of the service requester, regardless of

the current location of the service requester, and without requiring the service requester

to individually contact each provider of the desired service (Abstract and Page 1, Para

0005 of Chandhok et al.). The incorporation of multi-point communication systems with

dynamic talk group would allow a user to quickly access or join communication device

to a group of service provider in the global communication network (Page 1, Para 0006-

0008 of Chandhok et al.).

As for claim 34, Toyryla et al. teaches a method for dynamic group call from a

first user to a group of second users via a network including a server, wherein there is

further included the steps of:

determining whether each of the group of second users and the first user

are valid; and if each of the group of second users and the first user are invalid,

there is further included a step of providing an indication to the first user (Col. 3,

line 54-Col. 4, line 3; Col. 6, line 31-Col. 7, line 15; and Col. 9, lines 28-35 and

Col. 11, lines 3-34 of Toyryla et al.).

As for claim 35, Toyryla et al. teaches a method for dynamic group call from a

first user to a group of second users via a network including a server, wherein there is

further included the steps of:

>   determining whether the dynamic group call is presently active; and if the
>
>   dynamic group call is presently active, rejoining the first user or the second users
>
>   to the presently active call (Col. 3, line 54-Col. 4, line 3 and Col. 6, line 57-Col. 7,
>
>   line 15 of Toyryla et al.).


7.     Claims 36-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Toyryla et al. (US Patent 6999783) and Chandhok et al. (US Patent 2004/0198376) as

applied to claim 33 above, and further in view of Sasuta (US Patent 5513381).

As for claim 36, Toyryla et al. teaches a method for dynamic group call from a

first user to a group of second users via a network including a server, wherein there is

further included a step of adding new members; which reads on claimed expanding the

dynamic group call list (Abstract; Col. 2, lines 8-10; Col. 4, lines 37-44; Col. 5, line 35-

Col. 6, line 3; and Col. 8, lines 17-54 of Toyryla et al. corresponding to Page 2, Para

0022; ).

What Toyryla et al. and Chandhok et al. does not explicitly teach is portion of the

communication group; which reads on claimed subgroups; launching the dynamic group

call to the group of second users and to the first user; and expanding a subgroup of the group of second users.

However Sasuta teaches method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included steps of: launching the dynamic group call to the group of second users and to the first user (Abstract; Col. 1, line 60-Col. 2, line 8; and Col. 2, line 51-Col. Col. 4, line 49 of Sasuta).

It would have been obvious to one of ordinary skill of the art at the time the invention was made to incorporate a method for placing a group call in a multiple site trunked communication system, as taught by Sasuta, in the dynamic talk group of Toyryla et al. and Chandhok et al., because they already teach a group communicating in dynamically (Abstracts of Toyryla et al. and Chandhok et al.).

The motivation of this combination would be the effect of the time it would take to create new talk groups and/or modify group membership, as taught by Toyryla et al, because the would make the dynamic talk group functionality less complex, easier and reliable from the user's point of view. In addition, Chandhok et al. teaches how a provider dynamically determine based on the current location vector of the service requester, regardless of the current location of the service requester, and without requiring the service requester to individually contact each provider of the desired service (Abstract and Page 1, Para 0005 of Chandhok et al.). Sasuta teaches the requesting communication unit needing to talk to a portion of the whole group. Sasuta also teaches a method for placing a communication unit directed group call in a manner

that reduces system access time. This is achieved by excluding some communication

group members from the group call while guaranteeing the inclusion of certain other

communication units (i.e. targeted units). Sasuta also allows a portion of the

communication group to place a group call involving a limited number of communication

units, while another group call is taking place in different sites. The incorporation of

multi-point communication dynamic talk group with multi-site trunked communication

system would allow communicating with a communication group to not waste

communication resources and not delay access time for small audience calls (Col. 1,

lines 41-48 and Col. 4, lines 26-49 of Sasuta).

As for claim 37, Chandhok et al. teaches a method for dynamic group call from a

first user to a group of second users via a network including a server, wherein there is

further included the steps of:

after the step of launching, waiting a predetermined time for a response

from at least one of the group of second users and the first user; and if the

response is not received within the predetermined time, indicating a failure to the

first user (Page 1, Para 0006-0008 and Page 4, Para 0035-0038 of Chandhok et

al.).

As for claim 38, Toyryla et al. teaches a method for dynamic group call from a

first user to a group of second users via a network including a server, wherein if the

response is received within the predetermined time, there is further included the steps

of:

confirming the dynamic group call to the first user; and interconnecting

each of the group of second users and the first user for sustaining a dynamic

group call (Abstract; Col. 1, lines 6-8; Col. 3, lines 22-40; Col. 4, line 64-Col. 5,

line 27; and Col. 6, lines 4-14 of Toyryla et al.).

As for claim 39, Toyryla et al. teaches a method for dynamic group call from a

first user to a group of second users via a network including a server, wherein there is

further included the steps of:

sending by the network a dynamic group call identity to each of the group

of second users and to the first user; and sending an identity of the first user to

the second users (Col. 2, lines 33-64 and Col. 4, line 22-53 of Toyryla et al.).

As for claim 40, Toyryla et al. teaches a method for dynamic group call from a

first user to a group of second users via a network including a server, wherein there is

further included a step of sending a time to live parameter to each of the group of

second users and to the first user (Col. 8, line 17-Col. 9, line 8 of Toyryla et al.).

As for claim 41, Toyryla et al. teaches a method for dynamic group call

from a first user to a group of second users via a network including a server,

wherein there is further included a step of selecting by at least one user of the

group of second users and the first user the dynamic group call for which the at

least one user has the dynamic group call identity (Col. 2, lines 33-64; Col. 4, line

22-53; Col. 5, lines 45-51; Col. 6, line 31-Col. 7, line 15; and Col. 9, lines 16-22 of

Toyryla et al.).

As for claim 42, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included a step of transmitting by the at least one user the dynamic group call identity to the network (Col. 2, lines 46-64; Col. 3, lines 41-53; and Col. 6, line 57-Col. 7, line 15 of Toyryla et al.).

As for claim 43, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included the steps of:

receiving by the network the dynamic group call identity; if the dynamic group call corresponding to the dynamic group call identity is inactive, re-establishing the dynamic call to each of the group of second users and to the first user; and if the dynamic group call corresponding to the dynamic group call identity is in progress, rejoining by the network the at least one user to the dynamic group call (Col. 2, line 46- Col. 3, line 21; Col. 3, line 54-Col. 4, line 3; Col. 6, line 57-Col. 7, line 15; and Col. 7, lines 27-54 of Toyryla et al.).

## *Conclusion*

8.    Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janelle N. Young whose telephone number is (571) 272-2836. The examiner can normally be reached on Monday through Friday: 8:30 am through 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JNY
October 5, 2006

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PRIMARY EXAMINER